

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)
MAXIM SIEGEL) 4:08CV3212
ANGELA JONES,) ORDER
Debtors.)

This matter is before the court on its own motion. The Clerk of the United States Bankruptcy Court has certified that the appellant filed a notice of appeal on September 14, 2008, and thereafter failed to file a designation pursuant to Rule 8006. Filing No. [2](#).

An appellant's failure to take any step other than timely filing a notice of appeal does not affect the validity of the appeal, but is ground only for such action as the district court or bankruptcy appellate panel deems appropriate, which may include dismissal of the appeal. Fed. R. Bankr. P. 8001(a). Before dismissing an appeal for a Bankruptcy Rule 8006 violation, the district court, in applying Bankruptcy Rule 8001(a), must either: (1) make a finding of bad faith or negligence; (2) give appellant notice or opportunity to explain delay; (3) consider whether delay had any possible prejudicial effect on other parties; or (4) indicate that it considered the impact of sanction and available alternatives. See generally [*In re Hawkins*, 2008 WL 4506910, *2 \(2d Cir. Oct. 7, 2008\)](#); [*In re SPR Corp.*, 45 F.3d 70, 72 \(4th Cir. 1995\)](#); [*In re Fitzsimmons*, 920 F.2d 1468, 1470-71 \(9th Cir. 1990\)](#).

Accordingly,

IT IS ORDERED that within 10 days of the date of this order, appellants shall show cause why this case should not be dismissed for failure to perfect an appeal.

DATED this 5th day of December, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge